

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

LARRY DALE SMITH (1)

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CASE NO. 6:10-CR-0052-RC

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable K. Nicole Mitchell, United States Magistrate Judge, at Tyler, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge K. Nicole Mitchell recommended:

1. that the Court find that the Defendant violated Allegation 3 in the petition alleging that he violated a special condition of release by failing to complete community confinement;
2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of time-served with no supervised release to follow.

At the revocation hearing on February 20, 2018, Defendant and the Government waived their right to object to the Report and Recommendation. Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Larry Dale Smith's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So Ordered and Signed

Feb 23, 2018

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge